

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 4, 6, 7, 10, 12, 13, 18, 19 and 25 have been amended. No claims have been added or canceled. Thus, claims 1-30 are pending.

DECLARATION

The Office Action states that Applicants are required to submit an oath or declaration in proper form, identifying the application by application number and filing date. A declaration was filed February 12, 2002. Applicants are willing to submit another copy of the declaration at the Examiner's request, if necessary.

CLAIM REJECTIONS – 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-12 and 19-30 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The specific deficiencies set forth in the Office Action have been addressed by amendment herein. Accordingly, Applicants request that the claim rejections under 35 U.S.C. § 112, Second Paragraph be withdrawn.

The Office Action states that it is not clear whether “a request” in claim 5 refers to “a message” in claim 4. Because both claims 4 and 5 depend from claim 1, they are independent of each other and “a request” in claim 5 does not refer to “a message” in claim 4. The same analysis applies to claims 11, 17, 23 and 25.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-30 were rejected as being unpatentable over U.S. Patent No. 6,697,962 issued to McCrory, et al. (*McCrory*) in view of U.S. Patent Application Publication 2002/0165952 of Sewell, et al. (*Sewell*). For at least the reasons set forth below, Applicants submit that claims 1-30 are not rendered obvious by *McCrory* and *Sewell*.

Claim 1 recites:

executing one or more of the diagnostic procedures on the host processing system using a firmware interface to provide one or more diagnostic results.

Claims 7 and 25 recite similar limitations. Similarly, claim 13 recites:

logic to execute the one or more diagnostic procedures using a firmware interface in response to the agent process to provide one or more diagnostic results.

Thus, Applicants claim executing received diagnostic procedures using a *firmware* interface. Firmware is executable code stored in a read-only or programmable read-only memory. Claim 19 similarly recites execution using firmware logic.

In contrast, *McCrory* discloses that diagnostic procedures are executed by a diagnostic agent that is implemented as a peripheral add-on board. See col. 3, lines 42-51. *McCrory* does not disclose that the diagnostic procedures are executed using a firmware interface. *Sewell* also does not disclose that the diagnostic procedures are executed using a firmware interface. Because neither *McCrory* nor *Sewell* discloses that the diagnostic procedures are executed using a firmware interface, no combination of *McCrory* and *Sewell* can teach or suggest the invention as claimed in claims 1, 7, 13, 19 and 25.


Claims 2-6 depend from claim 1. Claims 8-12 depend from claim 7. Claims 14-18 depend from claim 13. Claims 20-24 depend from claim 19. Claims 26-30 depend from claim 25. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2-6, 8-12, 14-18, 20-24 and 26-30 are not rendered obvious by *McCrory* and *Sewell* for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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